

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

**BRENDA LERMA, INDIVIDUALLY, AS \$
NEXT FRIEND OF J.L. AND D.L., AND \$
AS REPRESENTATIVE OF THE \$
ESTATE OF LUIS LERMA; FOR AND \$
ON BEHALF OF ALL THOSE \$
ENTITLED TO RECOVER FOR HIS \$
DEATH UNDER THE TEXAS \$
WRONGFUL DEATH AND SURVIVAL \$
ACTS, et al., \$**

Plaintiffs,

V.

**BRIGGS & STRATTON
CORPORATION, AND BRIGGS &
STRATTON POWER PRODUCTS
GROUP, LLC**

Defendants.

§CIVIL ACTION NO: 1:12-229

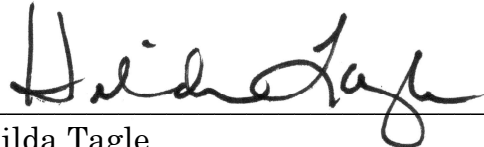
ORDER

Docket Call and Final Pretrial Conference in this case is presently set for April 1, 2014, and the parties must file a joint proposed pretrial order by March 18, 2014, under the scheduling order. *See* Dkt. No. 19 at 1. The Court is in receipt of the parties' Notice of Settlement filed March 7, 2014. Dkt. No. 35. In this notice, the parties represent that they have reached an agreement to settle Plaintiffs' claims, and the proposed settlement includes the claims of the two minors whose interest Plaintiff Brenda Lerma represents, J.L. and D.L. *Id.* at 2. The parties also state that they will propose the name of one or more attorneys ad litem in their motion to approve the settlement of the minors' claims. *See id.* In order to avoid even the appearance of impropriety, the Court will independently appoint an

attorney ad litem should the parties file a motion to approve the proposed settlement agreement.

Based on the foregoing representations, the Court finds that good cause exists to amend the scheduling order, *see* FED. R. CIV. P. 16(b)(4), and **ORDERS** the March 18, 2014, deadline to file a proposed joint pretrial order **STAYED** and the April 1 and 3, 2014, settings **CANCELLED**. The Court further **ORDERS** the parties to file a joint status report within 28 days after the entry of this order regarding the settlement agreement. If appropriate, the status report should specify a date by which the parties in good faith believe they will file a motion to approve the proposed settlement of the minors' claims and dispose of Plaintiffs' remaining claims pursuant to the settlement agreement. The Court further **ORDERS** the parties to confer before filing a motion to approve the settlement agreement of the minors' claims and set forth in any such motion the parties' views on who should pay the attorney ad litem's fees.

SIGNED this 11th day of March, 2014.

A handwritten signature in black ink, appearing to read 'Hilda Tagle', is written over a horizontal line.

Hilda Tagle
Senior United States District Judge